

MONTANA LEGISLATIVE HISTORY

Chapter 303 19 74

Bill H 933 S _____ Original bill & history C

H. Committee on Public Health, Welfare & Safety

Hearing Date(s) Jan 30 ☒ C

Feb 07 ☒ C

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Date Out _____ C

S. Committee on Public Health, Welfare & Safety

Hearing Date(s) Feb 25 ☒ C

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Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

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January 31, 1974

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE PROCEEDINGS:

A meeting of the Public Health, Welfare and Safety Committee was held Thursday, January 31, 1974, at 10:30 a.m. in Room 428A with Chairman Bob Lee presiding. All members were present except Reps. Hall and Marbut, who were excused.

HOUSE BILL #933 -- SPONSOR: Rep. John Bell. He said this bill was introduced upon request of the County Attorneys Association, and submitted an amendment that would omit the words "the sheriff of the county where treatment is provided." on page 1, line 12, and insert "a law enforcement officer within 24 hours." **OPPOSITION:** Mr. Chad Smith, Montana Hospital Association, said he was concerned about the manner of asking a hospital administrator and a physician to make a medical diagnosis. He suggested a model that a bill of this type could follow was the law dealing with child neglect and abuse cases. Mr. Smith said there should be a definition of what a stab wound or puncture is, and that there was no mention in the bill of what kind of a report, oral or written, was to be given. There should also be an indication of the address of the individual, and there is no exemption for liability in the bill, which he felt was most important.

HOUSE BILL #944 -- SPONSOR: Rep. Richard Colberg. This bill was introduced by request from his family and people in Billings, Great Falls and Missoula who have participated in the LaMaz program. He said childbirth is an important family right, and this bill attempts to legalize the right of the doctor and the particular family. Dr. Bernard Winer, Helena, spoke in support. Dr. Steven Kairys, director of Maternal and Child Health, statement attached, said that having a trained husband and wife team in the delivery room could be a benefit to the doctor. Mr. Richard Klinger, attorney, said the attending physician will have control of the entire situation, and his consent may be withdrawn in his sole discretion. He said this may be added to the bill if there is ambiguity. There were several other proponents but due to the time, did not speak. **OPPOSITION:** Mr. Chad Smith, Montana Hospital Association, this concerns individual and civil right and it is a matter for the courts to decide. There is presently a case before the Supreme Court, and he said it would be advisable not to take action on this bill since the court is working on one. He said this matter can be reviewed after the Supreme Court has made a decision, which will contain valuable information. He said cost in a hospital is very serious. People want adequate medical service without paying high prices. This bill concerns a procedure that will impose additional costs to operation and additional liability for a hospital. He said though there is a condition in the bill for a waiver for liability, it will not satisfy an insurance company who determines what the premium will be. Insurance companies will see that risk into the premium. He said

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
MONTANA STATE SENATE

February 25, 1974

The seventeenth meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Flynn on the above date in Room 405 of the State Capitol Building at 10 a.m.

ROLL CALL: All members were present with the exception of Senators Breeden and Vainio.

CONSIDERATION OF HOUSE BILL NO. 933: Representative Bell said the bill was introduced at the request of the county attorneys. He explained that present law does not require a physician to report treating a victim of a gunshot wound or stabbing. It is felt that law enforcement people should be notified, particularly in view of the fact that the victim involved may be a criminal. He introduced proponents of the bill:

Tom Honzel, County Attorneys Association, and Chad Smith, Montana Hospital Association, who spoke in support of the bill.

Committee members felt there should be provision in the bill for immediate notification of a law enforcement officer, and the following amendments were proposed:

Amend the third reading bill, page 1, line 13, by striking the word "WRITTEN", and further amend page 1, line 14, following the word "OFFICER" by inserting "BY THE FASTEST POSSIBLE MEANS."; and further amend page 1, line 16, following the word "WOUND", by striking the period and the word "The" and inserting in lieu thereof the following punctuation and word: ", a".

Senator Cochrane moved that the proposed amendments BE ADOPTED. The motion was seconded by Senator Zody and carried unanimously.

Senator Himsel moved that HOUSE BILL NO. 933 AS AMENDED BE CONCURRED IN. The motion was seconded by Senator Zody and carried unanimously. Senator Cochrane will carry the bill.

CONSIDERATION OF HOUSE BILLS NO. 938, 939, 940: Representative Murphy, sponsor of the three bills, explained the reason for their introduction. He then introduced Mr. Ed Carney of the Department of Professional and Occupational Licensing who spoke about each individual bill.

House Bill No. 938, he said, was introduced because the Board of Medical Examiners is one of the few state boards whose members have never received compensation for days spent attending board meetings. He said the money for this would not come from the

HOUSE BILL #938 -- Rep. Zimmer suggested decreasing the compensation for board members from \$35 to \$25. Rep. Marbut moved to strike \$35 and insert in lieu thereof \$20, and amend the bill on line 1 including the words "while conducting board business" after the "meetings", and AS AMENDED DO PASS. Rep. Bennetts said she felt hesitant about supporting a move to increase reimbursement, when there are other board members who do not receive any compensation for their time and work. Rep. Asbjornson was opposed to this feeling because he said the money doesn't come from the state general fund from the fees that the doctors have paid. Rep. Olson added that ~~didn't feel those board members needed compensation.~~ Rep. Zimmer moved a substitute motion that the motion pending and action on bills be deferred until all the proposed amendments were provided to the committee. Motion carried unanimously.

SENATE BILL #301 -- Action was deferred.

HOUSE BILL #759 -- Rep. Fagg moved that HOUSE BILL #759 DO PASS. McKittrick said he supported this motion without the amendments because he felt they jeopardized the bill. Motion carried unanimously.

HOUSE BILL #877 -- Rep. Marbut moved that HOUSE BILL #877 DO PASS. Motion carried unanimously.

HOUSE BILL #933 -- Rep. Marbut noted that the amendment proposed Rep. Bell removed hospitals from this responsibility. Rep. Holmes suggested adding the words "or designate thereof" so that the full responsibility would not rest with the physician only. Rep. Turner felt that this responsibility has to be designated, and he moved HOUSE BILL #933 AS AMENDED according to Rep. Bell's proposed amendments DO PASS. Motion carried unanimously.

HOUSE BILL #944 -- Rep. Brown moved that HOUSE BILL #944 DO PASS. Jones moved a substitute motion that HOUSE BILL #944 DO NOT PASS. Turner and Asbjornson agreed with this motion. Rep. McKittrick amendment had been suggested on page 1, line 20, after the semicolon by inserting "the consent of the attending physician may be withheld in the sole discretion of the physician;". Rep. Holmes read a bill that stated the hospitals would not have added expenses in providing a dressing room for the fathers because they could dress in the doctor's office. Rep. Lee questioned whether this bill would be left to the hospitals; Rep. McKittrick replied that if this bill is passed it would be the law and the hospitals would have to comply with it. Substitute motion of DO NOT PASS failed with Reps. Norman, Asbjornson, Healy, Jones, Olson, Turner, and Zimmer voting yes and Rep. Ben Brown, Driscoll, Fagg, Holmes, Marbut, McKittrick voting no. The vote was broken with Chairman Lee voting no. Rep. Brown moved that HOUSE BILL #944 BE AMENDED AND DO PASS. Motion carried with Reps. Norman, Bennetts, Brown, Driscoll, Fagg, Holmes, Marbut, McKittrick voting yes, and Reps. Asbjornson, Healy, Jones, Olson, Turner, and Zimmer voting no.

HOUSE BILL #988 -- Action was deferred, since House Bill #909 was

of interdiction prohibiting the sale of liquor to him until further order; and the court shall cause the order to be forthwith filed with the *department of revenue*.

(2) On the making of an order for interdiction the interdicted person may forthwith deliver to the *department* all liquor then in his possession or under his control to be kept for him by the board until the order of interdiction is revoked or set aside, or to be purchased by the *department* at a price to be fixed by it. *All liquor not delivered to the department under this subsection may be confiscated and forfeited to the state.*"

Section 16. Section 11-927, R.C.M. 1947, is amended to read as follows:

"11-927. **Prevention of and punishment for disturbing the peace.** The city or town council has power: To prevent and punish intoxication (subject to the limits established in section 69-6224), fights, riots, loud noises, disorderly conduct, obscenity, and acts or conduct calculated to disturb the public peace, or which are offensive to public morals, within the city or town, and within three miles of the limits thereof."

Section 17. Section 4-240, R.C.M. 1947, is amended to read as follows:

"4-240. **License tax on liquor — amount — distribution of proceeds.** The *department of revenue* is hereby authorized and directed to charge, receive and collect at the time of sale and delivery of any liquor under any provisions of the laws of the state of Montana a license tax of five percent (5%) of the retail selling price on all liquor so sold and delivered. Said tax shall be charged and collected on all liquor brought into the state and taxed by the *department of revenue*. The retail selling price shall be computed by adding to the cost of said liquor the state markup as designated by said board. Said five percent (5%) license tax shall be figured in the same manner as the state excise tax and shall be in addition to said state excise tax. The *department of revenue* shall retain the amount of such five percent (5%) license tax so received in a separate account. *Four-fifths (4/5) of these revenues shall be distributed to the counties according to the amount of liquor purchased in each county. One-fifth (1/5) of these revenues shall be deposited in the general fund.* Provided, however, in the case of purchases of liquor by a retail liquor licensee for use in his business, the *department* shall make such regulations as are necessary to apportion that proportion of license tax so generated to the county where the licensed establishment is located, for use as provided in section 4-241, R.C.M. 1947. The *department of revenue* shall pay quarterly to each county treasurer the proportion of the license tax due each county.

The county treasurer of each county shall retain one-fourth (1/4) of said license tax, and shall, within thirty (30) days after receipt thereof, apportion the remaining three-fourths (3/4) thereof to the treasurers of the incorporated cities and towns within his county, said apportionment to be based in each instance upon the proportion which the gross sale of liquor in such incorporated city or town bears to the gross sale of liquor in all of the incorporated cities and towns in his said county."

Section 18. Section 4-324, R.C.M. 1947, is amended to read as follows:

"4-324. **Tax on imported beer — computation in case of barrels of capacity other than thirty-one gallons.** A tax of three dollars (\$3) per barrel of thirty-one (31) gallons, is hereby levied and imposed on each and every barrel of beer manufactured out of this state and sold herein by any wholesaler, which said tax shall be due at the end of each month from said wholesaler, upon any such beer so sold by him during that month. As to any beer imported and sold in containers other than barrels, or in barrels of more or less capacity than thirty-one (31) gallons, the quantity content shall be ascertained and computed by the *department of revenue* in determining the amount of tax due, as herein provided for. *An additional tax of twenty-five cents (\$.25) per barrel is levied and imposed as provided by this section, and such additional tax is also to be levied and imposed at the same rate upon beer manufactured within the state. The additional tax of twenty-five cents (\$.25) is to be deposited, notwithstanding sections 4-347, 4-347.1, or any other provision, in the general fund.*"

Section 19. There is a new section to be numbered 69-6224, R.C.M. 1947, which reads as follows:

69-6224. **Departmental reports to legislature.** The department and the department of institutions shall achieve full implementation of the provisions of the act, as set forth in this chapter and related sections, no later than January 1, 1976. A progress report on the implementation shall be made to the 1975 legislative session. Thereafter the departments shall report, to each legislative session, on the status of the implemented act. This report, or any part thereof, may be included as the department's state plan for alcohol abuse and alcoholism.

Section 20. Sections 4-164 and 69-6202, R.C.M. 1947, are repealed.

Approved March 25, 1974

CHAPTER NO. 303

AN ACT TO REQUIRE PHYSICIANS AND OTHER PERSONS IN HEALTH CARE PROFESSIONS TREATING VICTIMS OF GUNSHOT WOUNDS AND STABBINGS TO REPORT TO A LAW ENFORCEMENT OFFICER.

Be it enacted by the Legislature of the State of Montana:

Section 1. There is a new section to be numbered 66-1050, R.C.M. 1947, which reads as follows:

66-1050. **Gunshot or stab wounds to be reported.** The physician, nurse, or other person licensed to practice a health care profession, treating the victim of a gunshot wound or stabbing, shall make a report to a law enforcement officer by the fastest possible means. Within twenty-four (24) hours after initial treatment or first observation of the wound, a written report shall be submitted including the name and address of the victim, if known, and shall be sent by regular mail.

Section 2. There is a new section to be numbered 66-1051, R.C.M. 1947, which reads as follows:

66-1051. **Immunity from liability.** A physician or other person reporting pursuant to section 1 [66-1050] shall be presumed to be acting in good faith and in so doing, shall be immune from any liability, civil or criminal, unless he acted in bad faith or with malicious purpose.

Approved March 25, 1974

CHAPTER NO. 304

AN ACT AMENDING SECTION 11-4103, R.C.M. 1947, TO REQUIRE THE GOVERNING BODY OF A MUNICIPALITY OR COUNTY TO HOLD A PUBLIC HEARING AND DETERMINE PUBLIC INTEREST BEFORE ISSUING INDUSTRIAL DEVELOPMENT BONDS.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 11-4103, R.C.M. 1947, is amended to read as follows:

"11-4103. **Limited obligation bonds — form and contents — sale — negotiability — hearing prior to issuance.** (1) All bonds issued by a municipality or county under the authority of this act shall be limited obligations of the municipality or county. Bonds and interest coupons, issued under the authority of this act, shall not constitute nor give rise to a pecuniary liability of the municipality or county or a charge against its general credit or taxing powers. Such limitation shall be plainly stated upon the face of each of such bonds.

(2) The bonds, referred to in subsection (1) of this section, may (a) be executed and delivered at any time and from time to time, (b) be in such form and denominations, (c) be of such tenor, (d) be in registered or bearer form either as to principal or interest or both, (e) be payable in such installments and at such time or times not exceeding thirty (30) years from their date, (f) be payable at such place or places, (g) bear interest at such rate or rates, payable at such place or places, and evidenced in such manner, (h) be redeemable prior to maturity, with or without premium, and (i) contain such provisions not inconsistent herewith, as shall be deemed for the best interest of the municipality or county and provided for in the proceedings of the governing body whereunder the bonds shall be authorized to be issued.

(3) Any bonds, issued under the authority of this act, may be sold at public or private sale in such manner and at such time or times as may be determined by the governing body to be most advantageous. The municipality or county may pay all expenses, premiums and commissions which the governing body may deem necessary or advantageous in connection with the authorization, sale and issuance thereof from the proceeds of the sale of said bonds or from the revenues of the projects.

(4) All bonds, issued under the authority of this act, and all interest coupons applicable thereto shall be construed to be negotiable instruments, despite the fact that they are payable solely from a specified source.

(5) Prior to the issuance of any bonds, under the authority of this act, by any municipality or county, the governing body shall give notice and hold a public hearing on the proposed project. At least once a week for three (3) consecutive weeks prior to the date set for the hearing, the governing body shall publish in a newspaper of general circulation in the municipality or county a notice of the time and place of the hearing. The governing body shall not approve the bonds as provided in this act unless it appears, after the public hearing, that such approval is in the public interest of the municipality or county."

Approved March 25, 1974

CHAPTER NO. 305

AN ACT TO CODIFY THE EXISTENCE OF THE LEGISLATIVE INTERN PROGRAM TO BE KNOWN AS THE "LEGISLATIVE INTERN ACT OF 1974"; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. There is a new section to be numbered 43-720, R.C.M. 1947, which reads as follows:

43-720. **Popular name.** This act shall be known as the "Legislative Intern Act of 1974."

Section 2. There is a new section to be numbered 43-721 R.C.M. 1947, which reads as follows:

43-721. **Establishment of program.** It is declared to be the public policy of this state that there be a legislative intern program open to students attending the university of Montana, Montana state university, eastern Montana college, northern Montana college, western Montana college, Montana college of mineral science and technology. The private colleges of higher education in the state may also establish an intern program for the purposes of this act.

Section 3. There is a new section to be numbered 43-722 R.C.M. 1947, which reads as follows:

43-722. **Term of service.** Each legislative intern shall serve for ten (10) weeks during the regular session of the legislature.

Section 4. There is a new section to be numbered 43-723 R.C.M. 1947, which reads as follows:

43-723. **Number of interns — where from.** All institutions referred